

Appl. No.: 10/824,089
Amendment dated November 2, 2005
Reply to Office Action of August 25, 2005

REMARKS/ARGUMENTS

Receipt of the Office Action mailed August 25, 2005 is acknowledged and the undersigned notes with appreciation the indication that Claims 8 and 15 contain allowable subject matter. The undersigned also wishes to thank the Examiner for the courtesies extended to inventor, Ken Nicolay and Kent Erickson during the interview conducted on October 28, 2005. The substance of the interview is summarized in the Interview Summary prepared by the Examiner at the end of the Interview and as further discussed below in response to specific claim rejections. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the remarks below.

Amendment to the Specification

In preparing this response, an error in paragraph [0021] of the specification was noted. In particular, the specification indicates that the angular intervals at which the outer grip handle may be positioned due to the octagonal configuration of the locking hubs 43 and 44 and the outer portion 57 of the inner surface 56 of the locking collars 39 and 40 is fifteen degrees. Since 360 divided by 8 equals 45, it is readily understood that the specification should have identified the angular interval as 45 degrees. The specification has been amended accordingly and it is respectfully submitted that no new matter is added thereby.

Appl. No.: 10/824,089
Amendment dated November 2, 2005
Reply to Office Action of August 25, 2005

Objection to Claims 8 & 15

Claims 8 & 15 which were objected to as being dependent upon a rejected base claim have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Rejection of Claims in view of Nicolay et al. U.S. Pat. No. 6,592,160

The Examiner has rejected Claims 16-18, 22 and 23 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,592,160 to Nicolay et al. The Examiner has also rejected Claims 3, 4, 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Nelles in view of Crabtree in further view of Nicolay et al.

Enclosed is a Declaration Under 37 C.F.R. §1.132 signed by Kenneth M. Nicolay and Lewis A. Mendelson who are named inventors in this application and the application which issued as U.S. Patent No. 6,592,160. In the declaration, Kenneth M. Nicolay declares that he is the sole inventor of the subject matter of Claims 3, 11, 16 and 17 and Kenneth M. Nicolay and Lewis A. Mendelson declare that they are the joint and sole inventors of the subject matter of Claims 4, 12, 18, 22 and 23. Since the execution of the declaration, a decision was made to cancel claims 11 and 12 and therefore the rejections as to these claims are moot. In view of the declaration, it is respectfully submitted that the Nicolay '160 patent, does not qualify as either "an application for patent, published under section 122(b), by another" or "a patent granted on an application for patent by another" under 102(e) and therefore, the rejection of Claims 3, 4, 16-18,

Appl. No.: 10/824,089
Amendment dated November 2, 2005
Reply to Office Action of August 25, 2005

22 and 23 should be withdrawn. During the interview, the Examiner indicated that it was his understanding that the declaration should be sufficient to remove the Nicolay '160 patent as relevant prior art and would confirm this understanding upon formal submission of the declaration.

Rejection of Remaining Claims

The Examiner rejected Claims 1, 2, 5-7, 9, 10, 13, 14, 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Nelles in view of Crabtree.

With respect to Claim 1 and the claims depending therefrom, during the interview the amendments to Claim 1 noted above were discussed and the Examiner acknowledged that Nelles did not disclose an inner grip handle slidably mounted on the first and second legs as proposed by the amended claim language. In addition, the Examiner acknowledged that the Nelles reference did not disclose a tool head connector mounted on said second cross-member between said first and second legs. The Examiner therefore indicated that amended Claim 1 appeared patentably distinguishable over Nelles in view of Crabtree and would remove this rejection.

Claims 6 and 7, which depend from Claim 1 have been further amended to specify means or structure for securing the outer grip handle "in a finite set of selected rotational orientations relative to said first and second legs". It is respectfully submitted that this amended language more clearly distinguishes over the teachings of Crabtree in which the structure the Examiner is

Appl. No.: 10/824,089
Amendment dated November 2, 2005
Reply to Office Action of August 25, 2005

equating with the outer grip handle is selectively rotatable in an infinite number of rotational orientations.

Claims 9, 10, 13 and 14 have been canceled and therefore the rejections with respect to these claims is moot.

Claim 20 has been amended to specify that the tool head connector is mounted on the second cross-member "in planar alignment with said outer grip handle in a plane extending perpendicular to the first and second cross-members." During the interview, the Examiner indicated that such a limitation would distinguish over the prior art of record.

Conclusion

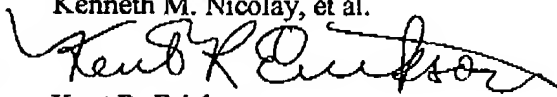
In view of the foregoing it is respectfully submitted that the claims as amended are patentably distinguishable over the prior art of record. Applicants have considered the additional prior art cited by the Examiner, but not applied against the claims. The claims, as amended, are deemed to be patentable over these references as well.

Appl. No.: 10/824,089
Amendment dated November 2, 2005
Reply to Office Action of August 25, 2005

In the event that the Examiner is of the opinion that the prosecution of this application can be advanced thereby, he is invited to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,
Kenneth M. Nicolay, et al.

By


Kent R. Erickson
Reg. No. 36,793
Attorney

ERICKSON & KLEYPAS, L.L.C.
800 W. 47th Street, Suite 401
Kansas City, Missouri 64112
Phone: (816) 753-6777

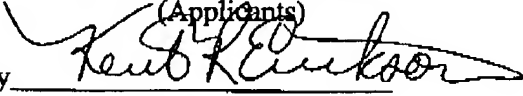
Certificate of Facsimile Transmission

I hereby certify that this Amendment After Final and the enclosed Declaration Under 37 C.F.R. §1.132 for application Serial No. 10/824,089, filed April 14, 2004 are being filed by facsimile transmission to fax number 571-273-8300 and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 2, 2005.

Kenneth M. Nicolay, et al.

(Applicants)

By


Kent R. Erickson

November 2, 2005

(Date of Signature)